

NOV 29 2012

JULIA G. MCKEE, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 7:05CR00053
)	(CASE NO. 7:12CV80494)
)	
v.)	<u>FINAL ORDER</u>
)	
)	
CLARENCE MOTLEY,)	By: Glen E. Conrad
)	Chief United States District Judge
Defendant.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** as untimely filed and without merit, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 29th day of November, 2012.



Chief United States District Judge